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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,332	06/27/2001	Scott Swix	7780-001039	2021
34456 7590 11/12/2008 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730				
EXAMINER BILGRAMI, ASGHAR H				
ART UNIT 2443		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/893,332

**Applicant(s)**

SWIX ET AL.

**Examiner**

ASGHAR BILGRAMI

**Art Unit**

2443

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11,12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11,12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 11, 12, 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (US. PUB. 2002/0059627A1) and Brenson et al (U.S. PUB.NO. 2003/0023504 A1).
3. As per claim 1,16 & 20 Thomas disclosed a media distribution system operative to selectively deliver media content to a media presentation device of a customer, the media distribution system comprising: a media delivery service provider operative to transmit a media content stream to a media distribution device, wherein the data is transmitted from a plurality of communication links between the media distribution device and the media delivery provider (page.1, paragraph.3); a customer account database, remote from the media distribution device for maintaining a central account associated with the media distribution device, the central account identifying a portion of the media content stream that is selected for delivery to the media presentation device (page.6, paragraph.92); to a local account data module for maintaining a local account identifying the portion of the media content stream that is selected for delivery to the media presentation device (page.3, paragraphs.48 & 53); locally blocking a portion of

the media content stream not defined in the local account data module (Page.1.paragraph.9 and page paragraph, 117) a local account manager, local to the media distribution device (page.4, paragraph. 57), for modifying , without initiating two-way communication with the media delivery service provider (paragraphs 48 & 49),the portion of the media content stream identified in the local account data module (page.4, paragraph. 61-63), wherein modifying the portion of the media content stream identified in the local account module occurs without requiring access to or authorization from the media delivery service provider and a customer account modification need not be immediately transmitted to the media delivery service provider (page3, paragraphs 48-53); wherein the media distribution device delivers to the media presentation device the portion of the media content stream modified by the local account manager (page.5, paragraphs 69, 70) and identified by the local account data module without any immediate changes to the media content stream received at the media distribution device from the media delivery service provider (page.5, paragraphs 70-73) thereby allowing the customer to receive instantaneous delivery of only the portion of the media content that is part of the local account (page.5, paragraphs 77, 78 & 81). Although Thomas did not explicitly disclose "local account data module" and "local account manager" in the media distribution module (set top box) modifying portion of the media content stream without requiring interaction with the central account data base. However Thomas did disclose that user equipment (set top box) may include sufficient hardware and software capability (local modules) (page.4, paragraph.57) to perform functionality such as to allow user to communicate with his or her system (set top box)

(paragraph 63) to view upcoming program listing by time or category and customizing the channels etc (page.3, paragraphs.42 & 43, page.5, paragraph.72) and additionally viewing interactive advertisements (movie preview trailers) by navigating the menu rendered by user equipment (the set top box) (page.5, paragraphs 77 & 78) locally without any interaction with the central account database at a remote location. Thomas further describes that the interaction with remoter server 180 (central account manager) with respect to customer account occurs when the customer selects a purchase button selecting the video on demand program (page.5, paragraph.81). At the time the invention was made it would have been obvious to one in the ordinary skill in the art to have incorporated the local modules that control the local management of the media content received from the media delivery provider in order to provide user with more control over viewing options and flexibility to choose a program according to their desired criteria making the media distribution system more user friendly and versatile. Thomas does not explicitly teach wherein the local account manager, during an off-peak period, is further operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account in the local account data module and transmit the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data. In the same field of endeavor

Brenson disclosed wherein the local account manager, during an off-peak period, is further operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account in the local account data module and transmit the modified local account data to the media delivery service provider, thereby enabling he media delivery service provider to update the centralized customer database to reflect the modified local account data (Paragraphs.48 through 54).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated wherein the local account manager, during an off-peak period, is further operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and,. If so then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account in the local account data module and transmit the modified local account data to the media delivery service provider, thereby enabling he media delivery service provider to update the centralized customer database to reflect the modified local account data taught by Brenson in media distribution system disclosed by Thomas in order make the media distribution system

versatile and robust resulting in an delivery system that intelligently and efficiently consumes of available bandwidth.

4. As per claim 3 Thomas-Brenson disclosed the media distribution device of Claim 1, wherein at least one of the plurality of communication link is a broadband connection (Thomas, paragraph.56).

5. As per claim 4 & 19 Thomas-Brenson disclosed the media distribution device of Claim 3, wherein at least one of the plurality of broadband connection is an asymmetric digital subscriber line (Thomas, paragraph.58).

6. As per claim 5 Thomas-Brenson disclosed the media distribution device of Claim 1, wherein the communication link is a satellite connection (Thomas, paragraph.39).

7. As per claim 6 Thomas- Brenson disclosed the media distribution device of Claim 1, wherein the local account manager can be remotely controlled (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

8. As per claim 7 Thomas- Brenson disclosed the media distribution device of Claim 1, wherein the local account manager can be remotely accessed (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

9. As per claim 8 Thomas- Brenson disclosed the media distribution device of Claim 7, wherein the local account manager can be remotely accessed via the media adapter (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

10. As per claim 9 Thomas- Brenson disclosed the media distribution device of Claim 7, wherein the local account manager can be remotely accessed via the data adapter (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

11. As per claim 11 Thomas- Brenson disclosed the media distribution device of Claim 10, wherein the local account data module can be transmitted to the media delivery service provider (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

12. As per claim 12 Thomas- Brenson disclosed the media distribution device of Claim 11, wherein the media delivery service provider is operative to store the local account data module (Thomas, page.4, paragraph 59 & page.6, paragraph 91).

13. As per claim 14 Thomas- Brenson disclosed the media distribution device of Claim 13, further comprising a user interface whereby the local account manager can be locally accessed (Thomas, page.4, paragraph 56 & 63).



14. As per claim 15 Thomas- Brenson disclosed the media distribution device of Claim 14, wherein the user interface is provided via the media presentation device (Thomas, page3, paragraph.55).

15. As per claim 17 Thomas- Brenson disclosed the media delivery system of Claim 16, wherein the local account manager is operative to autonomously transmit the local account data module to the media delivery service provider for storage as the central account (Thomas, page.1, paragraph 8, page.3, paragraph 45 & page.4, paragraph 59).

16. As per claim 18 Thomas- Brenson disclosed the media delivery system of Claim 17, wherein the local account data module is transmitted to the media delivery service provider over an asymmetric digital subscriber line (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

17. As per claim 21 Thomas- Brenson disclosed the media distribution device of Claim 1, wherein when the local account manager modifies the identification of a portion of the full stream of media content, delivery of media content to the media presentation device is immediately altered without requiring access to or authorization from the media delivery service provider whereby customer account information maintained by the media delivery service provider can be reconciled with the local account data module at a later time (Thomas, page.1, paragraphs 8 & 9).

18. As per claim 22 Thomas- Brenson disclosed the media delivery system of Claim 16, wherein the media distribution device blocks from being available the media presentation device portions of the media content stream not identified by the local account data module without any immediate changes to the media content stream transmitted by the media delivery service provider (Thomas, page.5, paragraphs 70-73).

19. As per claim 23 Thomas- Brenson disclosed the media distribution device of claim 1, wherein the network management protocol agent comprises a simple network management protocol (Benson, Paragraph.39).

### ***Response to Arguments***

20. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

21. Applicant argued that Thomas fails to disclose the newly amended limitation in the independent claims.

22. As to applicant's argument the Thomas clearly anticipates the amended limitation please see examiner's citations in Thomas reference. Thomas discloses that the features and applications such as on-demand media, home shopping and communications functions can be implemented locally on the user equipment to give user equipment the level of independency.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
24. Katseff et al U.S. 6,768,722 disclosed systems and methods of managing multiple communications.
25. Sie et al U.S. 6,973,662 disclosed method for providing programming distribution.
26. Knudson et al U.S. 6,275,648 disclosed Program guide system for recording television programs.
27. Lai et al U.S. 7,242,324 disclosed distributed on-Demand media transcoding system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit 2443

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2143